

STATUS OF CLAIMS

Having amended claims 1, 8, 10, 12, 13, 16, 21, 23, 25, 30, and 32, canceled claim 17, and added claims 34-35, claims 1-16 and 18-35 are currently pending in the present application. Applicant believes no new matter has been added by the amendments.

REMARKS

Objection and Rejections under 35 U.S.C. Section 112, ¶2

In the Office Action dated October 6, 2004 (the "Office Action"), the Examiner objected to claim 17. The Examiner also rejected claims 10, 23, and 32 under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention.

In view of helpful comments by the Examiner in the Office Action, Applicant has canceled claim 17 and amended claims 10, 23, and 32. Accordingly, the Examiner is respectfully requested to withdraw the objection and rejections under 35 U.S.C. 112, ¶2.

Rejections Under 35 U.S.C. Sections 102 and 103 and Interview Summary

The Examiner rejected claims 1-4, 6-13, 16, 17, 19-26, and 28-33 under 35 U.S.C. 102(e) as being anticipated by Goldman et al. U.S. Appl. No. 2002/0128805 (the "Goldman patent"). The Examiner also rejected claims 5, 14, 15, 18, and 27 under 35 U.S.C. 103(a) as being unpatentable over the Goldman patent in view of Daft et al. U.S. Appl. No. 2003/0154062 (the "Daft patent"). These rejections are respectfully traversed.

The Examiner is thanked for granting and cordially conducting an in-person interview on January 27, 2005, during which general agreement was reached (pending a further consideration by the Examiner). Specifically, and in accordance with 37 CFR Section 133:

- Claims 1-33 were discussed.
- The Goldman patent was discussed.
- The Examiner agreed that the Goldman patent does not appear to describe the features relating to time-scaling the collected data. However, the Examiner reserved the right to review the present written response before finalizing his opinion.

Amended claim 1 now recites the acts of “time-scaling the collected data to make the collected data a linear function of time” and “creating a model based on the time-scaled collected data.” These features, along with other recited features, can serve to remove non-linearities in the modeling process, which allow constant valued parameters to be set at specific values throughout experiments designed by the DOE of the present invention.

The above cited acts, in combination with other recited acts, are not described in the Goldman patent, which does not address how to set constant valued parameters when its collected data contains non-linearities in the modeling process. Hence, Applicant believes claim 1 and its dependent claims are patentably distinguishable from the cited prior art. Moreover, since all independent claims have been amended to include a similar feature (and since the Daft patent also does not disclose this feature, thus also overcoming the Section 103 rejection), Applicant believes all pending claims are allowable over the cited prior art. A notice to that effect is earnestly solicited.

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims (as amended or prior to any amendment). However, Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

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